IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 74330-M of 2006

DATE OF DECISION : 08.02.2007

Raj Kumar

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.K. Jain, Advocate,
for the petitioner.

Mr. Partap Singh, Senior DAG, Haryana.

Mr. R.S. Longia, Advocate,
for the complainant.

Petitioner Raj Kumar, apprehending his arrest in a non-bailable offence in case FIR No. 182 dated 12.11.2006 under Sections 420, 406, 506 IPC, registered at Police Station Ladwa, District Kurukshetra, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR.

On December 07, 2006, after hearing counsel for the petitioner and the State Counsel, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

Counsel for the petitioner contends that in this case, an agreement to sell was entered into between the petitioner and complainant on 9.9.2005, according to which two shops were to be sold by the petitioner for an amount of Rs. 2,60,000/-. Rupees one lakh was received him as earnest money and the sale deed was to be executed upto 18.11.2005. In the agreement itself, it was specifically mentioned that a civil dispute regarding

the shops is pending. Subsequently, the date of registration of the sale deed was extended upto 7.7.2006, because of the pendency of the suit. Subsequently, the instant FIR has been registered on the ground that the petitioner has cheated the complainant, as he has not disclosed about the fact that previously there was an agreement with regard to the shops by some other person. The dispute in the civil court was pertaining to the said agreement. Counsel contends that the complainant was aware about all the facts.

Counsel for the complainant contends that in the agreement, the fact regarding previous litigation was not mentioned. However, counsel for the petitioner has shown photo copy of the agreement, in which the fact regarding pendency of civil suit with regard to the shops has been specifically mentioned.

Counsel for the petitioner further states that in terms of the interim order dated December 07, 2006, the petitioner has joined the investigation. The State counsel does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated December 07, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

February 08, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**